IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA MARTINSBURG

JANISON VEAL,

Petitioner,

٧.

CIVIL ACTION NO. 3:10-CV-120 CRIMINAL ACTION NO. 3:02-CR-43-1 (BAILEY)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. By Local Rule, this action was referred to Magistrate Judge Seibert for submission of a report and recommendation ("R & R"). Magistrate Judge Seibert filed his R & R on September 20, 2011 [Crim. Doc. 217 / Civ. Doc. 6]. In that filing, the magistrate judge recommended that this Court deny the § 2255 petition [Crim. Doc. 204 / Civ. Doc. 1] and to dismiss the same with prejudice..

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140,

150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo

review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v.

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984). Objections to Magistrate Judge Seibert's R & R were originally due

within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P.

72(b). The docket reflects that service was accepted on October 6, 2011. See Crim. Doc.

218. To date, no objections have been filed. Accordingly, this Court will review the report

and recommendation for clear error.

Upon careful review of the report and recommendation, it is the opinion of this Court

that the magistrate judge's Report and Recommendation [Crim. Doc. 217 / Civ. Doc. 6]

should be, and is, hereby ORDERED ADOPTED for the reasons more fully stated in the

magistrate judge's report. As such, this Court hereby **DENIES** and **DISMISSES WITH**

PREJUDICE the petitioner's § 2255 petition [Crim. Doc. 204 / Civ. Doc. 1]. Therefore, this

matter is hereby **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and

to mail a copy to the pro se petitioner.

DATED: October 26, 2011.

ED STATES DISTRICT JUDGE